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Attorney Docket No. 01149/HG

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**



Applicants : Yuki ABE et al.
Serial No. : 09/836,705
Filed : April 17, 2001
For : GENES FROM A GENE CLUSTER
Art Unit : 1645
Examiner :

Express Mail Mailing Label
No.: EL 867 738 611 US
Date of Deposit: March 26, 2002
I hereby certify that this paper is
being deposited with the United
States Postal Service "Express Mail
Post Office to Addressee" service
under 37 CFR 1.10 with sufficient
postage on the date indicated above
and is addressed to the Assistant
Commissioner for Patents, USPTO,
P.O. Box 2327, Arlington, VA 22202

Dorothy DeFrancesco
Dorothy DeFrancesco

PETITION UNDER 37 CFR 1.10(e)

Assistant Commissioner for Patents
Washington, D.C. 20231

S I R :

In the event that this Paper is late
filed, and the necessary petition
for extension of time is not filed
concurrently herewith, please
consider this as a Petition for the
requisite extension of time, and to
the extent not tendered by check
attached hereto, authorization to
charge the extension fee, or any
other fee required in connection
with this Paper to Account No.
06-1378.

This is a Petition Under 37 CFR 1.10(e), which requests that
the Commissioner consider as timely filed copies of the papers
attached hereto, the originals of which were mailed by the
Express Mail Post Office to the Addressee service of the United
States Postal Service with sufficient postage on October 25,
2001. It is considered that said papers mailed on October 25,
2001 were not received by the USPTO because as of the present
date, the return postcard mailed with the aforesaid papers on
October 25, 2001 has not yet been received by the undersigned.

This Petition is being promptly filed after the undersigned
became aware that the postcard receipt for the aforementioned
papers mailed on October 25, 2001 was not received from the USPTO.

The number of the Express Mail mailing label ("EL 922 088 777 US") was placed in the upper right-hand corner of the first page of each of the papers having a caption, prior to the original mailing of the aforesaid papers on October 25, 2001.

Submitted concomitantly herewith is a true copy of the Express Mail Customer Copy for "EL 922 088 777 US", which shows the pick-up time of "18:41" pm and a true copy of our Patent Office Express Mail Record for "EL 922 088 777 US".

A true copy of each of the following originally deposited papers that was mailed on October 25, 2001 is being submitted concomitantly herewith:

(1) PRELIMINARY AMENDMENT, including a MARKED-UP VERSION OF THE AMENDMENTS TO THE CLAIMS;

(2) SUBMISSION OF SEQUENCE LISTING, including a STATEMENT UNDER 37 CFR 1.821(f) & (g), a computer readable form (disk) of the Sequence Listing, a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - Filing Date Granted dated 10/09/2001, and a paper copy of the Sequence Listing;

(3) SUBMISSION OF CERTIFICATES OF DEPOSITS, including copies of certificates of deposits for FERM BP-6780, FERM BP-7005 and FERM BP-7006; and

(4) INFORMATION DISCLOSURE STATEMENT ("IDS"), including Form PTO/SB/08A (one sheet) and Forms PTO/SB/08B (three sheets), a copy of the European Search Report and copies of the publications submitted with the IDS.

Also enclosed is a check for \$36 for two additional claims included in the aforementioned PRELIMINARY AMENDMENT.

It is respectfully requested that this Petition be granted and that the enclosed papers be joined with the file for this application and be deemed to have been filed on October 25, 2001.

Respectfully submitted,



RICHARD S. BARTH
REG. NO. 28,180

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RSB/ddf

- Enclosures: (1) Copy of the Express Mail Customer Copy for "EL 922 088 777 US" and copy of our Patent Office Express Mail Record for "EL 922 088 777 US"
- (2) Copy of the PRELIMINARY AMENDMENT dated October 25, 2001, including a MARKED-UP VERSION OF THE AMENDMENTS TO THE CLAIMS
- (3) Copy of SUBMISSION OF SEQUENCE LISTING, dated October 25, 2001, including a STATEMENT UNDER 37 CFR 1.821(f) & (g), a computer readable form (disk) of the Sequence Listing, a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - Filing Date Granted dated 10/09/2001, and a paper copy of the Sequence Listing
- (4) Copy of SUBMISSION OF CERTIFICATES OF DEPOSITS, dated October 25, 2001, including copies of certificates of deposits for FERM BP-6780, FERM BP-7005 and FERM BP-7006
- (5) Copy of INFORMATION DISCLOSURE STATEMENT ("IDS"), dated October 25, 2001, including Form PTO/SB/08A (one sheet) and Forms PTO/SB/08B (three sheets), a copy of the European Search Report and copies of the publications submitted with the IDS
- (6) Check for \$36